

## **Tippecanoe County Drainage Board**

**December 10, 2014**

### **James S. Kellerman #42 Regulated Drain Hearing Minutes**

#### **Those present were:**

Tippecanoe County Drainage Board President David S. Byers, Vice President John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Evan Warner, G.I.S. Technician and James Butcher, Project Manager for Surveyor Office were also in attendance. Member Thomas P. Murtaugh was absent.

The President David Buyers opened the landowner hearing for the James Kellerman Regulated Drain #42. He referred to the Surveyor. The Surveyor read the following report into the record:

Maintenance Report for the James S. Kellerman #42 Regulated Drain dated October 22, 2014

The James S. Kellerman Regulated Drain #42 was originally established through the Tippecanoe County Superior Court, Case No. 1769 in 1954 and included a portion of the older J.H. Skinner Drain. The Drain and its watershed are located in Sections 18 and 19 of Township 21 North and Range 4 West and Sections 24 and 25 of Township 21 North and Range 5 West in the political township of Randolph, Tippecanoe County, Indiana. The James S. Kellerman Drain Maintenance Fund was established by the Tippecanoe County Drainage Board on the 4<sup>th</sup> day of June, 1975 and assessment was set at \$0.50 per acre with a \$5.00 minimum. The maintenance rate was increased by 25% on January 8, 2003. According to the 1975 maintenance report there are approximately 30 lineal feet of open ditch and 13,215 lineal feet of tile main on the Kellerman. Branch 2 of the old J.H. Skinner drain does not appear to have been included in this maintenance; however, the branch has historically been maintained. Therefore from this day forward there shall be 30 lineal feet of open ditch and 13,215 lineal feet of main tile and 1,250 lineal feet of branch tile maintained by this maintenance fund. The largest diameter tile is 20" (inches) and the watershed contains 544.984 acres. It is the judgment of the Tippecanoe County Surveyor that a sum of \$23,687.40 is needed to maintain and improve the existing tile and open ditch system. An assessment of \$5.50 per acre and a \$25.00 minimum over an eight (8) year period is recommended. This will generate \$24,481.99 over an eight (8) year period. At present time there are charges totaling \$5,763.20 against this drain. It is the opinion of the Tippecanoe County Surveyor this rate increase will ensure that monies will be generated for future maintenance on this system. Respectfully submitted by Zachariah E. Beasley P.S., M.S. Tippecanoe County Surveyor. He turned the hearing over to the Board.

The President David Buyers asked for public comment. There was none. He referred to the Board Attorney. The Attorney David Luhman read the following Drainage Board order into the record: BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE JAMES S. KELLERMAN #42 REGULATED DRAIN: FINDINGS AND ORDER (ANNUAL MAINTENANCE) RE-ESTABLISHING A NEW MAINTENANCE RATE

This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on October 22, 2014. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal and Courier were filed. Remonstrances were not filed. Evidence was presented by the Tippecanoe County Surveyor and many of those landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

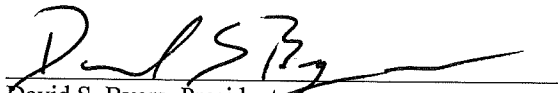
- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on October 22, 2014.
- (2) Notice of filing of the maintenance report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 30 lineal feet of open ditch and 13,215 lineal feet of tile main and 1,250 lineal feet of branch tile historically known as Branch # 2 of the J.H. Skinner Ditch.
- (5) The present condition of the tile ditch is fair with periodic maintenance required.
- (6) The ditch needs the following maintenance at present: Periodic tile hole maintenance
- (7) There is now \$5,763.20 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 544.984 acres total.
- (9) Estimated annual cost of maintenance is \$2,960.93.

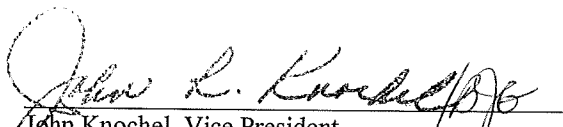
- (10) Estimated annual benefits of the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should be re-established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre benefited should be re-established as: \$5.50 per acre and a \$25.00 minimum over an eight (8) year period.
- (13) The assessment list filed herewith should not be amended.
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected starting with the **May 2015** taxes.

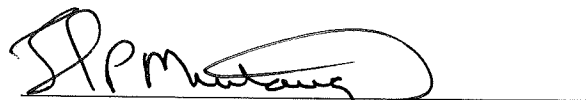
**NOW, THEREFORE, IT IS ORDERED THAT:**

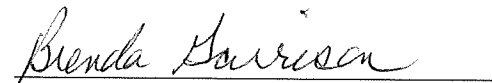
- (1) A maintenance fund be re-established for the James S. Kellerman Regulated Drain #42 at the annual rate of \$5.50 per acre and \$25.00 minimum benefited over an eight (8) year period.
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the May 2015 taxes.

DATED at Lafayette, Indiana this 10th day of December 2014 with signature lines for the Drainage Board and attest by the Secretary. John Knochel made a motion to approve the Findings and Order for the James S. Kellerman Regulated Drain #42 as read by the Board Attorney. David Byers seconded the motion. Motion carried.

  
David S. Byers, President

  
John Knochel, Vice President

  
Thomas P. Murtaugh, Member

  
Brenda Garrison, Secretary